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MAY 04 2007REMARKS/ARGUMENTS35 U.S.C. § 102(b) Claim Rejections

The Examiner has rejected claims 1 to 24 under 35 U.S.C. § 102(b) as being anticipated by Heubel et al. (Heubel), U.S. Patent No. 6,751,468. Applicants respectfully traverse the rejection.

Regarding claims 1, 12 and 21 to 24, the Examiner writes that "Heubel discloses..." and has inserted the language of claim 1.

Claim 1, recites:

"A method of messaging during an active half-duplex session between a plurality of user devices capable of walkie-talkie-like functionality, the method comprising:

a first user device of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session, transmitting a transmit channel request message (TCRM) to a network;

the network forwarding the TCRM to a second user device of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session; and

the second user device receiving the TCRM." [emphasis added]

In support of this position, the Examiner has pointed to column 6, lines 19 to 52 of Heubel. Applicant submits that Heubel does not disclose "a first user device.... transmitting a transmit channel request message (TCRM) to a network" and "the network forwarding the TCRM to a second user device ...while the second user device is in a transmitting half-duplex mode". The Examiner has equated unit A disclosed in Heubel to the second user device of claim 1 and unit B disclosed in Heubel to the first user device of claim 1. The first lines of the section cited by the

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Examiner (column 6, lines 19 to 20), provide that once “the user A finishes speaking and releases the PTT button on the wireless unit A, the user B may wish to speak.” Thus, the unit A is voluntarily terminating the transmitting mode. There is no message initiated by unit B and sent to unit A while the unit A is in the transmitting mode as recited by claim 1.

The section cited by the Examiner goes on to provide that the “wireless unit A sends a release transition order to the BMI indicating a state change from transmitting to receiving”. Again, this process is entirely initiated by unit A and no message is sent from unit B to unit A (See, column 6, lines 25 to 27).

Once this occurs, the “BMI-B then initiates a hand off of the wireless unit B to a new channel where wireless unit B is the primary TX frequency user.[T]he wireless unit B transitions to the primary transmitting wireless unit. Once the wireless unit B identifies the transition, wireless unit B notifies the user.... The receiving wireless unit B is now the transmitting wireless unit B.” (See Column 6, lines 33 to 40). Throughout this transition from unit A to unit B, Heubel does not teach user B “transmitting a transmit channel request message (TCRM) to a network” and “the network forwarding the TCRM” to the unit A. Since these elements of claim 1 are not taught, Applicant’s submit that claim 1 is novel over Heubel.

Similarly, claim 12 recites:

“A user device capable of walkie-talkie-like functionality adapted to participate in an active half-duplex session, the user device comprising:

means for receiving an external input requesting the user device to transmit an outgoing TCRM message;

means for transmitting the outgoing TCRM to a wireless network responsive to the request;

means for receiving an incoming TCRM message from the wireless network while the user device is in transmit half duplex mode;

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means for generating a user-detectable notification in response to receiving the incoming TCRM message.” [emphasis added]

As noted above with respect to claim 1, Heubel does not recite a user device having “means for receiving an incoming TCRM message from the wireless network while the user device is in transmit half duplex mode” as recited in claim 12. No such functionality is taught for unit A or unit B. Applicant submits that claim 12 is therefore novel for the same reasons as submitted concerning claim 1.

Claim 21 recites:

“A network adapted to facilitate an active half-duplex session involving an RHD device capable of walkie-talkie-like functionality and a THD device capable of walkie-talkie-like functionality, the network comprising:

a message processing element adapted to forward a TCRM from the RHD device to the THD device by:

- i) receiving the TCRM over an input channel from the RHD device;
- ii) processing the TCRM to identify from the TCRM the identity of the THD device; and
- iii) transmitting the TCRM over an output channel to the THD device.” [emphasis added]

Similar to the comments concerning claim 1, Heubel does not teach “a message processing element adapted to forward a TCRM from the RHD device to the THD device” since no such message is disclosed as being forwarded from the unit B to the unit A in Heubel. Applicant submits that claim 21 is therefore novel for the same reasons as submitted concerning claim 1.

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Claim 24 recites:

"A memory for storing data for access by a THD device of a network, comprising:

a data structure stored in said memory, said data structure being a TCRM and comprising an identification of an RHD device."

Again, no where in Heubel is there taught a TCRM identifying unit B and for access by unit A. Applicant submits that claim 24 is therefore novel for the same reasons as submitted concerning claim 1.

Claims 22 and 23 depend ultimately from claim 12 and are novel for at least the same reasons as claim 12.

Regarding claims 2 and 13, claims 2 and 13 depend from claims 1 and 12 respectively and are novel for at least the same reasons as claims 1 and 12.

Regarding claims 3 and 12, claim 3 depends from claim 1 and is novel for at least the same reasons as claim 1. Regarding claim 12, Applicant points to the argument presented above. The Examiner has further stated that "user B presses the PTT button to communicate that the user wishes to speak". Heubel provides at column 6, lines 39 to 50 "Wireless unit B is now the transmitting wireless unit B....When the user B presses the PPT button on the wireless unit B, a PTT resume message is sent from the wireless unit B to BMI-B. This message signals the base station that the user has physically entered the PTT talking mode." Thus, this is a message from unit B to the base station when unit B is in the transmitting wireless unit. It does not provide user B with a "means for receiving an incoming TCRM message from the wireless network", as recited in claim 12. Accordingly, for at least this additional reason, claim 12 is novel over Heubel.

Regarding claim 4, claim 4 ultimately depends from claim 1 and is novel for at least the same reasons as claim 1.

Regarding claims 5, 15, 16, and 19, claim 5 ultimately depends from claim 1 and claims 15, 16

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and 19 ultimately depend from claim 12. Accordingly, claims 5, 15, 16 and 19 are novel for at least the same reasons as claims 1 and 12.

Regarding claims 21 and 24, the Examiner points to column 5, lines 2 to 6 as disclosing "an identification of the first user device in the TCRM at least when the TCRM is forwarded to the second user device." The sentence relied on, which begins on page 4, line 67 and extends to page 5, line 4, provides that in "event 54, after the wireless unit B has been located, the transmitting MSC of BMI-A delivers the call to receiving MSC of the receiving BMI, BMI-B. A PTT call type identifier is included in the message sent from the transmitting MSC to the receiving MSC". Thus, this passage, deals with a message sent from the base station associated with unit A to the base station associated with unit B. This is not a message which is sent from unit B through the network to unit A as is the case with the TCRM. This message described in Heubel is not a TCRM and it is not routed and accessed in the same way as the TCRM in claims 21 and 24. Thus, claims 21 and 24 are novel over Heubel for at least these additional reasons.

Regarding claims 6 and 12, claim 6 depends from claim 1 and is novel for at least the same reason as claim 1. With respect to claim 12, the Examiner points to column 6, lines 43 to 47. This is part of the passage of Heubel discussed previously with regards to claim 1, 12 and 21 to 24 and does not overcome the deficiencies of this passage previously described. Accordingly, for at least the reasons described above, claim 21 is novel over Heubel.

Regarding claims 7 to 11, 14, 15, and 17 to 20. These claims depend ultimately from claim 1 or claim 12 and are novel for at least the same reasons as claims 1 and 12.

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In view of the foregoing, early favorable consideration of this application is earnestly solicited.
In the event that the Examiner has concerns regarding the present response, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KRISHINA RAO ET AL.

By



Christine Genge
SMART & BIGGAR
Reg. No. 45,405
Tel.: 613-232-2486 (ext. 271)

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CNG:jcb:mcg